

# UNCTAD BioTrade Initiative - Linking trade, biodiversity and sustainable development

## *Second Stakeholder Steering Committee (2 SSC) Meeting*



## **ABS and BioTrade in Vietnam**

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# CONTENT OF THE PRESENTATION



I. Facts of Vietnam

II. Policy perspectives

III. Challenges and Difficulties

IV. Way forward

V. Issues of concerns

# I. Facts of Vietnam



I.1. BioTrade projects;

I.2. Biodiversity-based  
products project;

I.3. ABS project

## + **I.1. BioTrade activities in Vietnam**

- ❖ **The BioTrade Initiative first introduced in Vietnam since 2003;**
- ❖ **A number of projects have been implemented:**
  - ❖ **Project “Development of BioTrade activities within natural ingredient sector in Vietnam” in 2012 – 2015 funded by SECO;**
  - ❖ **Project “Scaling up Ethical BioTrade standard within phyto-pharmaceutical sector in Vietnam” in 2016 – 2020 funded by European Commission;**
  - ❖ **Regional project “Development of BioTrade activities within natural ingredient sector in Vietnam, Laos and Myanmar” in 2016 – 2020 funded by SECO;**
- ❖ **Cooperation with relevant stakeholders (private, public) established and maintained.**

# + I.1. BioTrade activities in Vietnam

**BioTrade Initiative - UNCTAD**  
**Support Market access**  
**Legislation framework**  
**Sustainable sourcing practices**

**SCALING UP ETHICAL BIOTRADE ACTIVITIES IN PHYTO -PHARMACEUTICAL SECTOR IN VIETNAM (EU)**

2003

2010

2012

2015

2016

2020

**DEVELOPMENT OF BIOTRADE ACTIVITIES WITHIN NATURAL INGREDIENT SECTOR IN VIETNAM (SECO)**

**DEVELOPMENT OF BIOTRADE ACTIVITIES WITHIN NATURAL INGREDIENT SECTOR IN VIETNAM, LAOS & MYANMAR (SECO)**

*By now, some national NGOs established to support with BioTrade activities in the country: BioTrade Implementation Group (BIG), Center for Rural Economy Development (CRED)...*



## I.2. Biodiversity-based products project



**Project:** *Biodiversity-based Products (BBP) as an economic source for the improvement of livelihoods and biodiversity protection*

**Duration:** 2015 – 2019 for region; 04/2017- 04/2019 for Vietnam

**Implemented by:** GFA Consulting Group GmbH for GIZ and in cooperation with the ASEAN Centre for Biodiversity (ACB)

**Location:** ASEAN Heritage Parks (AHP) in Vietnam, Lao, Cambodia

**Overall Objective:** The AMS are supported by the ACB in the promotion of BBP for the improvement of livelihoods and biodiversity protection, according to their needs.

**Objectives in Vietnam:** Promoting biodiversity conservation in the core zone and buffer zone of Ba Be and Hoang Lien National Parks (Vietnam) and creating sustainable income for the community through piloting BBP chains.



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## I.2. Biodiversity-based products project



**Bath  
Medicine  
Herb and  
Essential oils  
in Sapa**



**Giao Co Lam  
in Sapa**



**Honey in Ba  
Be National  
Park**



**Medicine  
Vegetable (Bo  
Khai) in Ba  
Be National  
Park**

**Initial pilot of basic value chain of BBP at 02 Vietnam AHP**



## + I.3. ABS project

- Project:** “Capacity Building for the Ratification and Implementation of the Nagoya Protocol on Access and Benefit Sharing in Viet Nam” (the ABS Project”)
- Funded:** By the GEF through the UNDP
- Duration:** 2016-2020
- Objectives:** To contribute to the conservation and sustainable use of globally significant biodiversity in Viet Nam.



### Main Components:

**Strengthening the National Policy, Legal, and Institutional Framework on ABS**

**Developing administrative measures for implementation of national ABS legal framework**

**Increasing awareness and capacity of all relevant stakeholders for implementation of national ABS framework**

**Demonstrating private-public-community partnerships on access and benefit sharing**



# + I.3. ABS project



## 1. Strengthening the National Policy, Legal, and Institutional Framework on ABS

- 1) Government's Decree 59/2017/ND-CP on ABS has been issued;
- 2) Develop Guidance and Circular on the implementation of ABS
- 3) Review of the Biodiversity Law and Decree 59/2017/ND-CP for revision purpose in line with CBD, Nagoya Protocol... and proposals of revised

## 2. Developing administrative measures for implementation of national ABS legal framework

- 1) Two Competent National Authorities appointed : MONRE and MARD
- 2) Drafting Q&A on ABS
- 3) Drafting Handbook on ABS cases

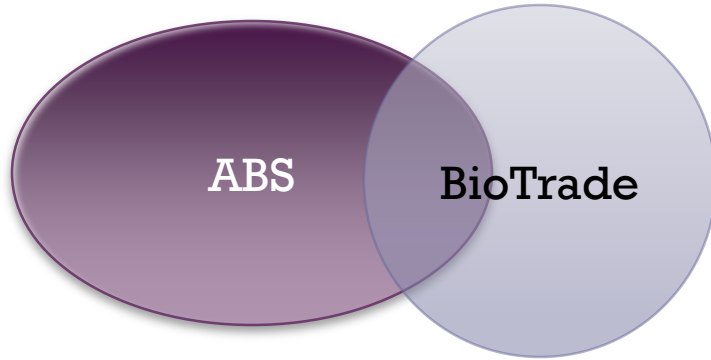
## 3. Increasing awareness and capacity of all relevant stakeholders for implementation of national ABS framework

- 1) Developed an Action Plan on awareness raising and capacity building on ABS for stakeholders in our country
- 2) Organized 05 Training courses for central and local stakeholders on ABS
- 3) Developed National ABS CHM at: [vietnamabs.gov.vn](http://vietnamabs.gov.vn)

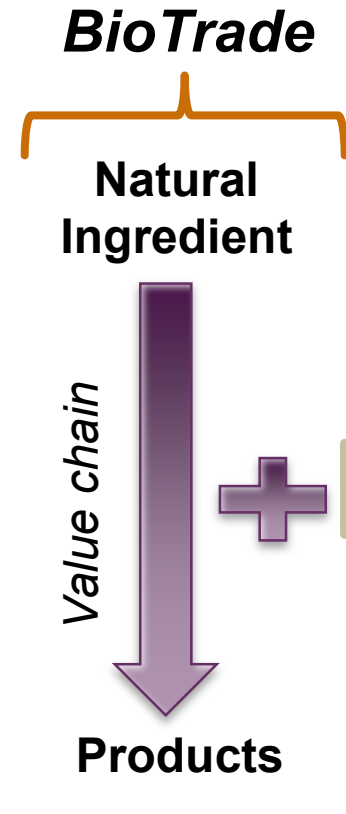
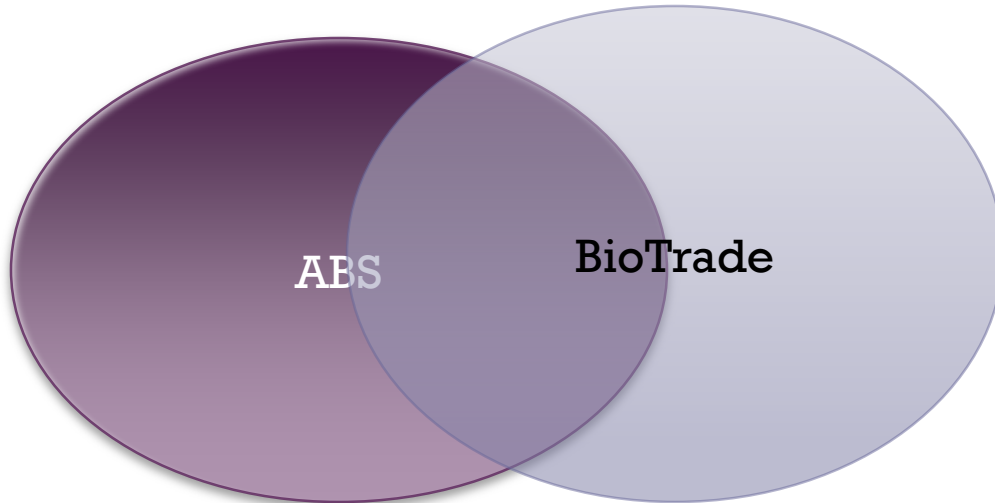
## 4. Demonstrating private-public-community partnerships on access and benefit sharing

- 1) In progress: develop ABS model; negotiating and implementing ABS agreements; develop TK documentation and bio-community protocols.
- 2) Management Plan for in-situ conservation in pilot site (Lao Cai province) developed and being implemented.

Before BioDiversity Law (2008) AND  
before Vietnam ratified Nagoya Protocol (2014)



After Vietnam ratified Nagoya Protocol (2014)



**BioTrade proves to be a good practice for sustainable use of biological diversity resources.**

## **II. Policy perspectives**

II.1. Biodiversity Law, 2008;

II.2. NBSAP 2013;

+ II.3. Biodiversity Conservation  
National Master Plan, 2014;

II.4. Decree 59/2017/ND-CP  
on GRs and ABS



## **Vietnam has one of the most well-developed policy and legal frameworks for biodiversity conservation in south-east Asia**

- Vietnam became member of the CBD
- Law on Biodiversity issued
- National Biodiversity Strategy
- Biodiversity Conservation National Master Plan
- ABS Decree issued (Decree 59/2017/ND-CP)

1994

2008

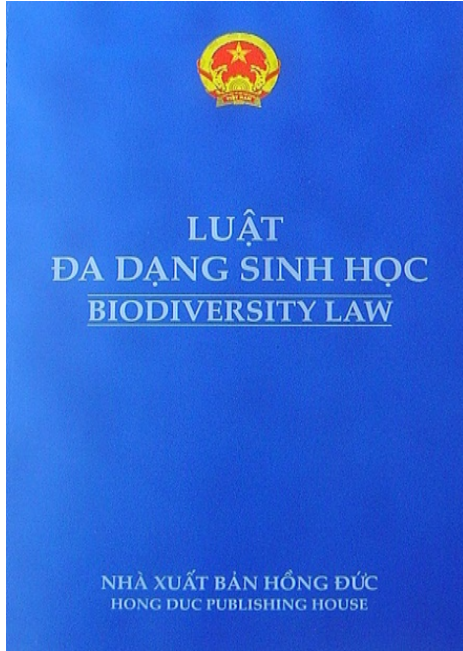
2013

2014

5/2017



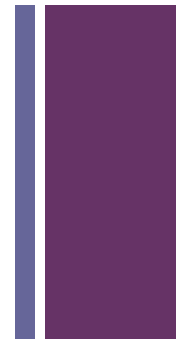
## + II.1. Biodiversity Law, 2008



- ❖ The Biodiversity Law enacted 2008.
- ❖ Marking an important milestone for conservation. For the first time, the Biodiversity Law elevates the principles and priorities of biodiversity conservation to the level of law independent of other sectors in Vietnam.
- ❖ The entire content of access to genetic resources and benefit-sharing is stipulated in Session 1, Chapter 5 of the Law on Biodiversity, from Article 55 to Article 61:
  - Definition "access to GRs";
  - PIC and MAT requirements;
  - Key steps procedure.



## + II.2. National Biodiversity Action Plan and Strategy enacted (1995, 2007, 2013)



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### Kế hoạch Hành động quốc gia về Đa dạng Sinh học

Đến năm 2010 và định hướng đến năm 2020  
thực hiện Công ước Đa dạng sinh học và  
Nghị định thư Cartagena về An toàn sinh học

*The National Action Plan on Biodiversity up to 2010 and orientations towards 2020 for implementation of the Convention on Biological Diversity and the Cartagena Protocol on Biosafety*

- In 1995, "the Biodiversity Action Plan (BAP 1995)" was first issued right after Vietnam became a member of the Convention on Biological Diversity in 1994;

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### CHIẾN LƯỢC QUỐC GIA VỀ ĐA DẠNG SINH HỌC ĐẾN NĂM 2020, TẦM NHÌN ĐẾN NĂM 2030

(Ban hành kèm theo Quyết định số 1250/QĐ-TTg  
ngày 31 tháng 7 năm 2013 của Thủ tướng Chính phủ)

### NATIONAL BIODIVERSITY STRATEGY TO 2020, VISION TO 2030

(Attached to Decision 1250/QĐ-TTg  
dated 31 July 2013 of the Prime Minister of the Government)

- Biodiversity Action Plan to 2010 with vision to 2020" (BAP 2007);

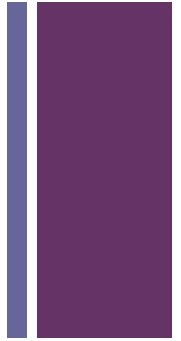
- **National Biodiversity Strategy to 2020, vision to 2030 in 7/2013 (NBSAP 2013).**



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## II.3. Biodiversity Conservation National Master Plan, 2014



### 1. Objectives

❖ **Overall objectives through 2020:** To ensure that important natural ecosystems and endangered, precious and rare species and genetic resources are conserved and sustainably developed; to maintain and develop the ecosystem services to adapt to climate change in order to promote sustainable development of the country.

❖ **Orientations toward 2030:**

- ✓ To continue to protect natural ecosystems of international and national importance; and degraded coral reef, sea-grass bed, natural mangrove forest, coastal lagoon and limestone mountain ecosystems.
- ✓ To continue to establish and put into operation the protected areas, biodiversity conservation facilities and biodiversity corridors as proposed.





# II.3. Biodiversity Conservation National Master Plan, 2014 (cont.)



## 2. Major Contents:

❖ **By 2020:** To plan the biodiversity conservation by 2020 according to 8 geographical regions in the whole country with 4 objects: natural ecosystems, protected areas, biodiversity conservation facilities and biodiversity corridors

❖ **Orientations toward 2030:**

- ✓ To identify the regions with natural ecosystem and potential to provide important ecosystem services; to continue to protect the depleted important natural ecosystems.
- ✓ To continue to improve the detailed master plan and prepare dossiers for submission to competent authorities to approve the establishment and putting into operation of 20 new protected areas with a total area of about 128,000 ha, bringing the total number of protected areas to 219 with a total area of about 3,067,000 ha evenly distributed across the country.
- ✓ To continue to improve the detailed master plan and prepare dossiers for submission to competent authorities to approve the establishment and putting into operation of 12 biodiversity conservation facilities, bringing the total number of biodiversity conservation facilities to 38.
- ✓ To continue to establish and put into operation 17 biodiversity corridors distributed in 8 regions across country with a total estimated area of about 445,000 ha



## + II.4. Decree 59/2017/ND-CP on ABS



- ❖ SCOPE:
  - All GRs for their utilization, including biochemical compounds and derivatives thereof (Art. 3.11);
    - ✓ Definition of "utilization of GRs", "biotechnology", "derivatives";
  - TK not included yet, an under-Decree is being developed (Art. 26.1d);
- ❖ National Focal Point (NFP), Publishing Authority: Ministry of Natural Resources and Environment (MONRE)
- ❖ 02 Competent National Authority (CNAs): (i) MONRE; (ii) MARD (Ministry of Agriculture and Rural Development).



## + II.4. Decree 59/2017/ND-CP on ABS (cont.)

### ACCESS REQUIREMENTS:

#### ➤ Individuals vs. Organizations

(eg. individuals need (kind of) certification when apply Access License from an Organization - Art. 7.2)

#### ➤ National vs. Foreigners:

(eg. national entities are exempted for non-commercial research (Art. 7.1); foreigners shall provide cooperation agreement with an organization in Vietnam (Art.9.2c); national students/research institutions have simplified procedure to obtain allowance to transfer GRs abroad - 15 days (Art.20));

#### ➤ Non-commercial vs Commercial purpose:

Difference in processing duration (eg. non-commercial research: 30 days since acceptance of valid documents; 90 days for case of commercial research or development of commercial products purposes -Art. 13.2);



### ACCESS AND BENEFIT-SHARING IN VIET NAM

(Decree No.59/2017/ND-CP Dated May 12, 2017)





## III. Challenges and Difficulties:

- International agreements that Vietnam is a member to require countries to adapt current legislation and policies framework;
- In adequate implementation: sometimes is problem due to the lack of capacity (provincial/central, new topic,..), lack of information and coordination (for those that requires inter-ministerial coordination often take time).

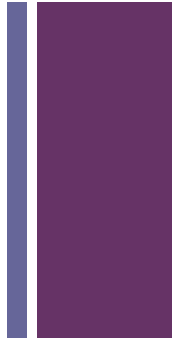


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## **V. Issues of concerns:**

- **Diversify financial mechanisms for biodiversity conservation and more feasible implementation schemes (such as PES, biodiversity pay-back)**
- **Cross-sector biodiversity conservation strategies (mainstream into sectors and more concrete action plans at provincial level)**
- **Database system served as a tool for monitoring and forecasting.**



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## IV. Way forward:

- 2019-2020: Updated biodiversity conservation national master plan 2014 based on the new Law on planning (on-going);
- 2020: Develop National Biodiversity Strategy in alignment with CBD Strategic Plan post 2020;
- 2020-2021: Plan to revise Biodiversity Law;
- 2020 onward: Revise and update Decree 59/2017 on ABS.



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## **In specific, BCA could promote BioTrade through:**

- Development of policy and legislation for BioTrade;
- Facilitate related administrative procedures related to BioTrade and ABS;
- Coordinate with other BioTrade involved Ministries, agencies, PPCs and private BioTrade focal points and other BioTrade actors to implement relevant activities.



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**Thank you for your attention !**